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STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

**E-2 MINUTES
SAN JOAQUIN RIVER CONSERVANCY
Governing Board
Wednesday, October 4, 2017**

5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

GOVERNING BOARD

Andreas Borgeas, Chairperson
Fresno County Board of Supervisors

Brett Frazier, Vice-Chairperson
Madera County Board of Supervisors

Steve Brandau
Councilmember, City of Fresno

William Oliver
Councilmember, City of Madera

Roy Spina, *Director*
Fresno Metropolitan Flood Control District

Carl Janzen, *Director*
Madera Irrigation District

Julie Vance, *Regional Manager*
Department of Fish and Wildlife

Kent Gresham, *Sector Superintendent*
Department of Parks & Recreation

John Donnelly, *Executive Director*
Wildlife Conservation Board

Julie Alvis, *Deputy Assistant Secretary*
Natural Resources Agency

Jennifer Lucchesi, *Executive Officer*
State Lands Commission

Karen Finn, *Program Budget Manager*
Department of Finance

Bryn Forhan
Paul Gibson
vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

Board Meeting Location:

Fresno Metropolitan Flood Control District
5469 E. Olive Ave., Fresno CA 93727

The following location was also open to Board members and the public for attendance via phone conference:

California Natural Resources Agency
1416 Ninth Street, Ste. 1311
Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairperson Borgeas called the meeting to order at 10:02 a.m. and Mr. Brandau led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Andreas Borgeas, Chair	X			
Mr. Brett Frazier	X			
Mr. Steve Brandau	X			
Mr. William Oliver	X			
Mr. Roy Spina	X			
Mr. Carl Janzen	X			
Ms. Julie Alvis		X		
Mr. Gerald Hatler	X			
Mr. Kent Gresham			X	
Mr. John Donnelly	X			
Ms. Jennifer Lucchesi		X		
Ms. Karen Finn		X		10:16
Ms. Bryn Forhan	X			
Mr. Paul Gibson	X			

Ms. Raus confirmed that a quorum was present.

Chairperson Borgeas welcomed Mr. Spina to the Conservancy Governing Board. Mr. Spina had signed the Oath of Office prior to the meeting.

Mr. Spina noted that he served on this board many years ago and is currently serving on the Fresno Metropolitan Flood Control District Board as a representative of the City of Clovis.

Mr. Crow introduced Deputy Attorney General, Ms. Christina Morkner Brown, who has been working on the Draft Environmental Impact Report for the River West Fresno, Eaton Trail Extension and will be giving a CEQA presentation.

Legal Counsel Present: Michael Crow, Deputy Attorney General
Christina Morkner Brown, Deputy Attorney General (via
teleconference)

Staff present: Melinda Marks, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst
Heidi West, Program Manager, San Joaquin River Conservancy
Projects, Wildlife Conservation Board (via teleconference)

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

Mr. Bob Getz, a resident at Wildwood Mobile Home Park, provided the Board with a photo of the San Joaquin River adjacent to the neighborhood. Thirty to forty feet of riverbank has eroded due to the high river flows. He suggested rip-rap or fill to repair the erosion. An engineer from the County of Madera came out to the site and informed the residents that their backyards are in State Lands Commission jurisdiction. Mr. Frazier's office has been working with the State Lands Commission on getting this problem fixed. Mr. Getz invited the Board to come out and see the area.

Mr. Getz also reported that Wildwood Native Park has potholes, graffiti, trees down, the rope along the trail has been cut, and the interpretive signs have been taken down. He picks up trash at the park during the week when it is closed. He suggested the Board close the park, improve it, and have a host there to look over the property or have the California Department of Parks and Recreation take over the operations and maintenance.

On inquiry from Mr. Gibson, Ms. Marks explained that the Conservancy does not have management responsibilities regarding the river bank erosion, but does operate and maintain Wildwood Native Park. The park is opened on Fridays, Saturdays, Sundays and State Holidays. There is a janitorial service that comes in the morning and a security service that comes at night to secure the property. The park had been closed for several months due to the high river flows.

Mr. Janzen noted that if the neighbors propose to fill the erosion with rip-rap or fill, they will have to meet many regulatory requirements.

Ms. Lucchesi stated that Mr. Frazier's office has contacted the State Lands Commission regarding this issue. State Lands is looking into their jurisdictional boundaries and will be responding.

Mr. Getz also requested help from the Department of Fish and Wildlife to help deal with vagrants on the islands in the area.

Mr. Borgeas requested Ms. Marks to be a liaison among the agencies for this issue.

Ms. Finn arrived at 10:16 a.m. via teleconference.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

None.

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

None.

E. MINUTES

E-1 Approve Minutes of June 7, 2017, Board Meeting

Ms. Marks noted that the minutes were corrected to show that Mr. Gresham was present and not on teleconference during the June meeting.

It was moved by Mr. Frazier and seconded by Mr. Gibson to approve the minutes of June 7, 2017, as corrected. The voting members unanimously passed the motion. Mr. Spina and Mr. Janzen abstained, as they were not present during the June meeting.

ROLL CALL VOTE:

	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. William Oliver	X		
Mr. Roy Spina			X

Mr. Carl Janzen			X
Mr. Gerald Hatler	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

F. CONSENT CALENDAR

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

F-1 Report on Renewal of Agreement with Fresno Metropolitan Flood Control District for Administrative Support and Office Space

Staff Recommendation: This staff report is provided for informational purposes. The Executive Officer has been delegated the authority to execute agreements necessary to the routine operations of the Conservancy, such as this agreement with the Fresno Metropolitan Flood Control District which will commence in November 2017 and extend through April 30, 2019, and will provide reimbursement to the District for utilities and janitorial costs associated with the Conservancy's occupancy of three office spaces, hourly administrative and technical support services, and other direct costs.

F-2 Authorize Continuation of Sycamore Island Concession Agreement with San Joaquin River Parkway and Conservation Trust

Staff Recommendation: It is recommended the Board authorize the Executive Officer to confirm in writing the continuation of the Sycamore Island concession agreement with the San Joaquin River Parkway and Conservation Trust for two additional years, through December 31, 2019, as allowed in the agreement, with all other terms and conditions to remain the same.

F-3 Notice of Release of Proposal Solicitation Package, Multi-Benefit Water Quality, Water Supply, Ecosystem and Watershed Protection and Restoration Grant Program (Proposition 1, 2014)

Staff Recommendation: This report is for informational purposes. No Board action is recommended.

It was moved by Mr. Frazier and seconded by Ms. Forhan to approve the Consent Items as recommended. The motion unanimously passed as follows:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		

Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Carl Janzen	X		
Mr. Gerald Hatler	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

G. DISCUSSION

G-1 Presentation by Trust for Public Land: Parks and Recreation Survey Conducted for City of Fresno

Staff Recommendation: This report is for informational purposes. No Board action is recommended.

Ms. Marks introduced Ms. Mary Creasman, the Trust for Public Land's California Director of Government Affairs and a Board member on the Wildlife Conservation Board. The Trust for Public Land is a non-profit organization dedicated to conserving land for people to enjoy as parks, gardens, and natural areas. In February 2016, the City of Fresno, Office of the Mayor, asked the Trust to explore public funding options available for park improvements and enhancing park access in the City of Fresno.

Ms. Creasman presented highlights of the study; please see the attached slides labeled, "Parks in Fresno: Planning for a Sustainable and Equitable Future."

On inquiry from Mr. Borgeas, Ms. Creasman report that the Trust for Public Lands does not help with funding campaigns, but they provide technical assistance, and explained that the possible sales tax would apply within and be revenue to the City of Fresno.

G-2 Presentation by Department of Justice: Decision-Makers' Obligations and Process for Environmental Impact Reports and Project Approvals under the California Environmental Quality Act (CEQA)

Staff Recommendation: This report is for informational purposes. No Board action is recommended.

Ms. Marks stated that Ms. Christina Morkner Brown, from the Department of Justice, would provide a general overview of the required steps in the approval process under CEQA. Ms. Morkner Brown would go over the Environmental Impact Report (EIR) certification process and documents involved in project approval to help inform the Board members of their legal responsibilities as decision-makers.

Ms. Morkner Brown presented a presentation as outlined in the attached slides labeled, "G-2 Presentation." The presentation included an overview of the CEQA process, the considerations and certifications required for an EIR, and the processes required to approve a project, including

Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program.

Board Comments:

Mr. Janzen asked if the Board could approve all of the alternatives within the EIR for the River West Fresno, Eaton Trail Extension Project, and then as it becomes possible to build elements, pick and choose what they want.

Ms. Morkner Brown stated that typical EIRs are written with a proposed project in mind. Alternatives typically are not developed to a project-specific level in CEQA documents. Some EIRs, including the River West Draft EIR, include alternatives that have been studied at a project-specific level and can be approved. However, if the Board tries to make a new project out of a combination of alternatives that was not analyzed in the environmental document, the EIR would be inadequate to support to required findings. The agency would need to start the EIR process all over to evaluate the impacts of the combined alternatives.

Mr. Borgeas asked if the Board wanted to approve one of the alternatives, would the EIR process need to start over again?

Ms. Morkner Brown stated that in most environmental documents that is the case; in the case of the Conservancy's River West Draft EIR it evaluated alternatives at a project-specific level, so the Board could approve an alternative. However, even if the EIR fully analyzes the proposed project and the alternatives, if alternatives are combined there might be more impacts that were not analyzed in the EIR.

Mr. Borgeas expressed concern about the River West Fresno Draft EIR process. The Board may want to combine elements of some of the alternatives.

Ms. Morkner Brown cautioned the Board that this report was agendized as an informational item about CEQA requirements in general. The Board should not get into detailed discussion of the River West Fresno EIR due to the requirements of the Brown Act.

Mr. Borgeas asked to continue a conceptual discussion of the issue, without reference to a specific project or its merits.

Ms. Morkner Brown explained that the Board needs to ensure that the environmental document adequately covers the project that they want to approve. If the document does cover all aspects of the project, then you can make the required findings as part of your decision making process. You need to make findings for each significant impact and how they were reduced as a result of the mitigation measures.

Mr. Frazier asked, if there are three alternatives that were studied at the same level, would the Board have to choose just one, or could the alternatives be approved and built once money becomes available? Does the Board have to choose one?

Ms. Morkner Brown replied that the Board has a lot of latitude to phase a project. If alternatives are fully considered in the environmental document, and initially the proposed project or an alternative is approved, the Board could direct staff to continue to explore an option in the future. It would then be evaluated as a modification to the approved project. Staff would review the environmental document to make sure it adequately covers the environmental impacts. Those

impacts might be covered in the original certified environmental document, or a supplement may be needed to cover any issues that weren't adequately covered. The certified document would expedite the supplemental review. Projects can be modified several times; there is a process to do that in the CEAQ guidelines.

Mr. Frazier suggested that some options might be considered as backup plans, but if there is an impact that was not studied in the original document, then the impact must be evaluated and the document recirculated. He asked Ms. Morkner Brown about several possibilities.

Ms. Morkner Brown responded that if later the agency creates something new that has not been studied before, or has not been studied in combination with the approved project, the environmental document would not be adequate, and the new proposal would not have been out for public review. The Board could approve only one project, a proposed project or alternative analyzed at a project level in the environmental document. The Board could direct staff to come back in the future with a proposal to modify the approved project to incorporate additional changes. Staff would bring the new option back to the Board as a modification to the approved project, and provide for an environmental review of the additional features. If there are several alternatives evaluated at the project level, but the environmental document does not evaluate the combined impacts of multiple alternatives, then only one project or one of the alternatives may be approved.

Mr. Borgeas noted there are two steps: one to certify the EIR and second to approve a project. Once the EIR is certified, how long is the life span for that EIR?

Ms. Morkner Brown explained that technically there is no life span on an EIR. As long as the certified EIR has not been successfully legally challenged or over-turned by the court, it remains in effect. When the agency considers approval of a proposed project and is relying on that environmental document, it needs to consider if there are project modifications, or if there are any changed conditions or circumstances, or new information that require any additional analysis. If any environmental circumstances have changed, the agency may need to reopen the document to evaluate those new issues. Otherwise an agency can rely on an environmental document for years.

Mr. Hatler added that one thing the agency must demonstrate is that it hasn't rejected other feasible alternatives that could reduce impacts; that is why CEQA requires an analysis of alternatives. If the EIR is ten years old and the agency is going to resume the project, the agency needs to consider whether baseline conditions changed or whether impacts would be different than they were ten years ago. CEQA demonstrates to the public that the agency fully analyzed and disclosed the impacts and considered all of the alternatives. If the agency cherry-picked features among the alternatives and did not fully analyze everything, it would be vulnerable to litigation.

Mr. Borgeas stated that one alternative within the River West study may have been studied in greater detail. The Board will need to be sure there is a satisfactory review such that each alternative is given equal weight and opportunity for the Board's decision making.

Mr. Gibson asked Ms. Morkner Brown to expand on her presentation, which noted that one basis for rejecting an environmentally superior alternative could be that it is too expensive.

Ms. Morkner Brown stated that is correct, the purpose of an alternative analysis under CEQA is to examine if there is an alternative design that could reduce impacts. If there are mitigation

measures that reduce all of the impacts of the preferred project to less than significant levels, then there is no need to go through the process of rejecting the alternatives. If you have some remaining environmental impacts, then you need to look at the alternatives analyzed in the EIR and consider whether any of them could be adopted to reduce the impacts. An alternative that was reviewed because it was potentially feasible, could be eventually rejected when the decision makers find the cost is not feasible, or that it could not be carried out in a reasonable amount of time based on the information available.

Mr. Gibson asked how the cost of an alternative factors into considerations under CEQA.

Ms. Morkner Brown responded that typically there is a proposed project, and the alternatives are evaluated for ways to reduce environmental impacts, not for reasons associated with the costs. Under CEQA the proposed project and alternatives are analyzed to determine which of them are environmentally superior alternatives. If there are alternatives to the proposed project that have fewer environmental impacts, then the agency must make findings regarding the rejection of any of those alternatives.

Mr. Gibson asked additional questions about the rejection of a proposed project or an alternative, and approval of another alternative based on cost—in what cases this is acceptable.

Ms. Morkner Brown responded that for alternatives that were analyzed adequately in the environmental document, the Board may choose among them, provided staff has presented correct findings that reflect the rationale. If the findings presented to the Board have been developed for one option, and the Board has determined to approve another option, staff would bring back for consideration another set of findings so that the Board can make a formal decision. The paperwork must specifically support the selected alternative. The findings are written up for a particular project (or fully analyzed alternative); the findings and mitigation monitoring and reporting program must match up with the project that will be carried out.

Mr. Gibson asked whether the Board can add or modify mitigation measures in order to make adjustments in the project, for example to expand the size of a parking lot.

Ms. Morkner Brown stated the EIR is based on the agency's best forecast of how the project would be carried out. If there are changes that occur in final design or permitting, it is staff's responsibility to be sure the modifications are within the scope of the EIR; staff must assess if the change would cause any new impacts that the agency needs to analyze. If there is no change then the agency can proceed. If there are changes to be made, the agency would need to do a supplemental document to the EIR.

Public Comments:

Mr. Radley Reep, a Fresno resident, inquired about the City of Fresno's role in the River West Fresno, Eaton Trail Extension EIR. Will the City be involved in any way with response to the comments on the partially revised Draft EIR, or developing any mitigation measures or findings for the Conservancy?

Ms. Marks stated that the San Joaquin River Conservancy is the lead agency and is responsible for the content of the EIR.

Mr. Reep stated that the scope of work for the additional work on Alternative 5B states that the Conservancy will receive all comments, log in the names and dates, print emails, maintain hard

copies, and promptly provide all copies to AECOM and the City of Fresno. Further, AECOM will provide the City of Fresno with digital copies of other documents required for the Conservancy's certification of the EIR and approval of the proposed project and alternatives. Why are the copies necessary?

Ms. Marks responded stated that the City of Fresno will pay AECOM for the work completed under their contract. The City must have the documentation to show that AECOM performed the work. The City will not be involved with the responses to the comments. AECOM has coordinated with the City's traffic engineer to make sure the methodology will meet the City's needs and requirements, but AECOM is not asking them how we should respond to comments.

Mr. Crow stated that the Conservancy has the sole discretion to consider the EIR as the lead agency.

Mr. Tom Bohigian, a resident of Fresno, expressed his concern that the Board may not be able to approve a combined set of options with regard to the River West Fresno EIR. He had assumed that the Board can make alterations to the staff recommendation.

Ms. Marks stated that the River West Fresno EIR is designed to evaluate all the alternatives at project level. The Board would have a public hearing in November; there would be a staff recommendation with full documentation for the recommended project. The first recommendation would be to certify the EIR, and the second would include findings and a mitigation monitoring and reporting program to support the staff recommendation to approve a specific project. Only that recommended action would be fully supported with documentation at the November meeting. However, if at the meeting there was a majority consensus to consider something other than staff's recommendation, then the Board would direct staff to come back with the proper documentation for that version of the project. The Board would not be able to take a vote to approve a project or alternative until the documentation is ready. If the Board wants a project that combines features of different alternatives, staff would need to review the environmental document to see if the impacts were covered.

Mr. Frazier asked if the Board could make conditional approval among alternatives—if one version of the project was approved and proved not to be feasible, a different version would be considered.

Ms. Marks responded that the Board must rely on the environmental document and be sure that it adequately analyses any combined alternatives, and the alternatives must be as described in the Draft EIR.

Mr. Bohigian stated that the Board should be able to vote on a preferred alternative first, and make supplemental motions or decisions if that alternative doesn't work out. The Board needs to have flexibility within the law to do the best it can for the public and resources.

Mr. Borgeas noted that all of the alternatives in the River West Fresno EIR have equal legal standing and the Board will make a decision this year.

On inquiry from Mr. Brandau, Ms. Marks recapped that for the November meeting staff will prepare a staff recommendation for a proposed project or any of six alternatives, with a resolution, findings, statements of overriding considerations if necessary, and mitigation monitoring and reporting program. The staff report it will describe future steps. If the Board consensus is in support of

something other than staff's recommendation, the Board would direct staff to prepare the additional documentation for a subsequent meeting.

Ms. Morkner Brown reminded everyone that the discussion should stay within the subject on the agenda.

Ms. Marks stated the hearing process for a CEQA EIR would include opening a public hearing, closing the public hearing, deciding whether to certify the EIR, whether or not to approve staff recommendation, and if not, whether to direct staff to come back with another set of documents. The presentation today was to provide the Board with the information needed to guide them through the process.

G-3 Authorize Bond Funds to Augment the Spano Ranch Habitat Restoration Project Grant to the San Joaquin River Parkway and Conservation Trust

Staff Recommendation: It is recommended the Board approve an augmentation of \$275,000 in bond funds for an existing grant project with the San Joaquin River Parkway and Conservation Trust to provide habitat restoration within 100 acres of the Conservancy's Spano property. The augmentation would bring the total project grant to \$825,000 to complete the restoration. Wildlife Conservation Board (WCB) authorization would be requested at their November 2017 or February 2018 meeting.

Ms. Marks stated that the Parkway Trust was requesting an augmentation of \$275,000 in bond funds to continue plant establishment activities over the final two years of their habitat restoration project. She noted that the Parkway Trust documented multiple challenges that eventually led to the need for additional funding to be able to complete the project as reported in the staff report: under budgeted labor costs, drought, followed by a wet year with a lot of cover and a surge in the vole population. The Parkway Trust identified three separate tasks within the original scope of work that require additional funding. Those tasks include: revegetation, plant establishment, and project management. The Parkway Trust is not requesting an extension of time for this project. The five years provided by the grant is adequate to complete the work and establish the new plants.

Mr. Frazier commented that the request is a 50 percent increase in the budget and asked if it is justified.

Ms. Marks agreed that is it a significant increase. The original budget did not include the wire mesh and tubes to project the plants from the field mice. The new plantings will include those measures to improve success.

On inquiry from Mr. Gibson, Ms. Sharon Weaver, the Executive Director of the San Joaquin River Parkway and Conservation Trust, reported that two weeks ago the Trust installed three raptor perches to help control voles. She noted that the Trust has developed expertise in habitat restoration projects and they also worked with River Partners to develop the plan for Spano. She stated they have been doing restoration projects for a number of years and this is the first time they have requested an augmentation. It was an error in the original budgeting because they didn't fully account for the amount of labor required for the number of plants they were installing across the large and difficult to access site.

It was moved by Mr. Frazier and seconded by Mr. Gibson to approve staff's recommendation for Item G-3. The members passed the motion as follows:

ROLL CALL TO VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau		X	
Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Carl Janzen	X		
Mr. Gerald Hatler	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

H. ADMINISTRATIVE AND COMMITTEE REPORTS

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

H-1 Organizations

H-1a San Joaquin River Parkway and Conservation Trust

H-1b RiverTree Volunteers

Due to the length of the meeting and desire to maintain a quorum, Ms. Marks suggested that reporting organizations might postpone their reports to the next meeting. There were no objections.

H-2 Deputy Attorney General

None.

H-3 Executive Officer

None.

H-4 Board Members' Reports

In the interests of maintaining a quorum through the end of the action items, Chairperson Borgeas proceeded to Executive Session.

I. EXECUTIVE SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

There were no public comments.

- I-1 Government Code Section 54956.8
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Ball Family Trust, Cemex plant site
Fresno County (APNs 300-007-56 through 60)

Negotiating Parties: David Wasemiller, Realtor, agent for Ball Family Trust

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board

Mr. Crown reported out of closed session that the Board voted to direct staff to continue negotiations with the Ball Family Trust.

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

K. NEXT BOARD MEETING DATE

The next meeting of the Board will be held November 15, 2017, at 10:00 a.m. at the Fresno City Council Chambers, 2600 Fresno Street, Fresno CA 93721.

L. ADJOURN

Chairperson Borgeas adjourned the meeting at approximately 12:16 p.m.

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Rebecca Raus at (559) 253-7324 or Rebecca.Raus@sjrc.ca.gov.

Respectfully Submitted,



Melinda S. Marks, Executive Officer

Parks in Fresno: Planning for a Sustainable and Equitable Future

Mary Creasman
California Director of Government Affairs
@MaryECreasman



The Trust for Public Land:
*Creating a Healthy, Climate-Smart
California with Access to Nature for All*



Two Decades of Impact on the Ground

- National leader in creating public funds for parks and conservation



Proven record of success:

500+ ballot measure wins
81% approval rate
\$100+ billion generated

7



Measure A - Sustainability & Equity Standard:
\$100 million annually (and growing), permanently, for
LA County parks and open space - with a set aside for
high-need communities

36-6352 Fresno Parks | 8

Feasibility Research

Completed on Fresno's Feasibility Study | 11th June 2016
CITY OF FRESNO, CALIFORNIA



- Analyze options for broad-based, substantial funding sources
- Primary Revenue Options
- Information on Special District Options
- Examples of Successful Ballot Measures
- Ballot Measure Timing and Next Steps



Public Conservation Finance Mechanisms in California

Summary of Local Ballot Measures from 1996-2016

Funding Mechanism	# Passed	# Failed	Total Measures	% Passed
Benefit Assessment	11	3	14	79%
Bond	22	5	27	81%
Charter Amendment	6	0	6	100%
Motor Vehicle Tax	0	1	1	0%
Parcel Tax	14	10	24	58%
Sales Tax	7	8	15	47%
Transient Occupancy Tax		3	3	0%
Utility Tax	4	0	4	100%
Vehicle License Fee	0	1	1	0%
Other	0	1	1	0%
Grand Total	64	32	96	67%



Estimated Revenues and Costs of a Flat Parcel Tax Fresno, CA	
Charge Per Parcel/ Annual Cost to Average Homeowner	Annual Revenue
\$5	\$678,255
\$10	\$1,356,510
\$15	\$2,034,765
\$20	\$2,713,020
\$25	\$3,391,275
\$30	\$4,069,530
\$40	\$5,426,040
\$50	\$6,782,550
Number of parcels provided by Michael Lima, City of Fresno Finance Director/Controller.	

THE TRUST FOR PUBLIC LAND

Sales and Use Tax Rates - Major California Cities		
City	Rate	County
Fremont	9.250%	Alameda
Oakland	9.250%	Alameda
Salinas	8.875%	Monterey
Long Beach	8.750%	Los Angeles
Los Angeles	8.750%	Los Angeles
Sacramento	8.250%	Sacramento
San Francisco	8.500%	San Francisco
San Jose	8.750%	Santa Clara
Porterville	8.250%	Tulare
Tulare	8.250%	Tulare
Clare	7.975%	Fresno
Fresno	7.975%	Fresno
Anaheim	7.750%	Orange
Irvine	7.750%	Orange
San Diego	7.750%	San Diego
Bakersfield	7.250%	Kern

Data provided by California State Board of Equalization as of 1.1.2017

Sales and Use Tax Rates - Central Valley Cities		
City	Rate	County
Huron	8.975%	Fresno
Salinas	8.875%	Monterey
Stockton	8.750%	San Joaquin
Banger	8.725%	Fresno
Reedley	8.475%	Fresno
Selma	8.475%	Fresno
Porterville	8.250%	Tulare
Tulare	8.250%	Tulare
Clare	7.975%	Fresno
Fresno	7.975%	Fresno
Vassie	5.000%	Tulare
Madera	7.750%	Madera
Modesto	7.375%	San Joaquin

Note: As of 1.1.2017, Fresno County rates are 0.225%. Data provided by California State Board of Equalization as of 1.1.2017.

THE TRUST FOR PUBLIC LAND

Estimated Revenue and Cost of a Transactions (Sales)

City of Fresno, CA

Sales Tax Rate	Annual Revenue*	Annual Cost/ Household	Available Rate Remaining
0.125%	\$ 13,579,738	\$13	1.150%
0.250%	\$ 27,159,475	\$26	1.025%
0.375%	\$ 40,739,213	\$39	0.900%
0.500%	\$ 54,318,950	\$52	0.775%

*Estimated based on FY15 total taxable sales of \$10,863,790,000 - provided by City of Fresno. **Assumes 25 percent of household income is spent on taxable items = \$10,364. ***Based on 2010-2014 median household income of \$41,455 - U.S. Census Bureau QuickFacts. ****Average household spending multiplied by est. # of households in the city (160,172). Figures provided by city of Fresno and U.S. Census Bureau QuickFacts

THE TRUST FOR PUBLIC LAND

Public Opinion Survey Methodology

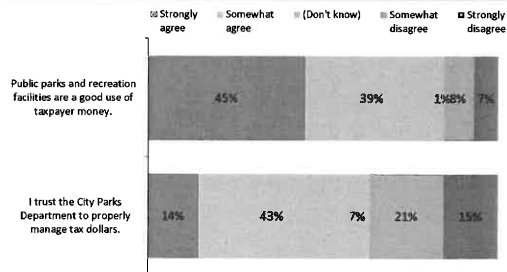
- Telephone survey of voters in the City of Fresno
- Voters who were registered, but didn't vote in the last 4 statewide elections (prior to this November) were excluded
- Conducted by trained, professional interviewers from November 15-20, 2016
- 503 completed interviews
- Margin of error: ± 4.4 percentage points
- Where applicable, results compared with FM3 Survey of Fresno Voters, March 2015, 600, MoE $\pm 4.0\%$

Please note that due to rounding, some percentages may not add up to exactly 100%.

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Tax Dollars for Parks

An overwhelming majority says parks and recreation are a good use of taxes, while over a majority indicate they trust the Parks department with their tax dollars.

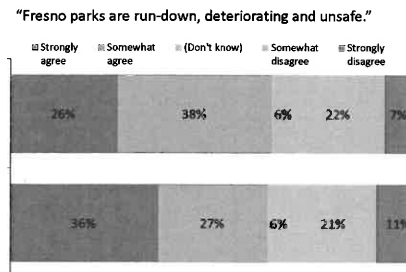


Q16-Q18: Now, please tell me whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with each of the following statements.

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Fresno Parks Attitude

A majority agree that Fresno parks are in bad shape.



Q15: Now, please tell me whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with each of the following statements.

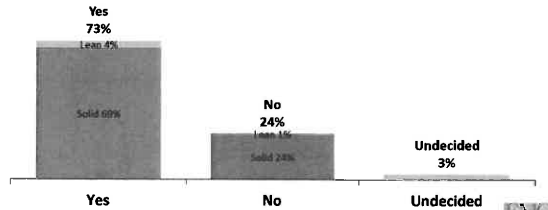
*Data from Poll conducted by FM3

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Initial Vote on Sales Tax Measure

Initial support is above two-thirds.

To provide clean, safe neighborhood parks for all Fresno residents; reduce crime and homelessness in parks; ensure accessibility for persons with disabilities; update and maintain playgrounds, play areas, and swimming pools; maintain and improve recreational programs for youth and seniors; provide additional parks and trails; and improve walking and biking access to parks, shall the City of Fresno levy a one-eighth cent sales tax, for 10 years, raising approximately \$13 million annually, exclusively for Fresno parks and recreation?

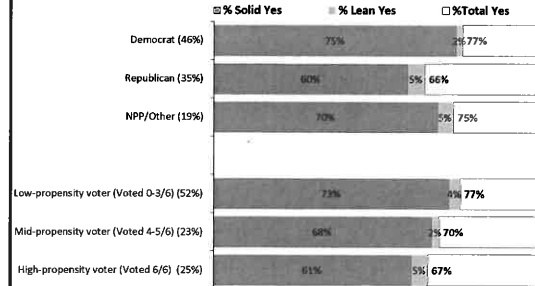


Q14. If the election were held today, would you vote yes to approve or no to reject this measure?

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Sales Tax Measure Initial Support, by Subgroup

Voters who are most likely to vote in low-turnout elections are least supportive.

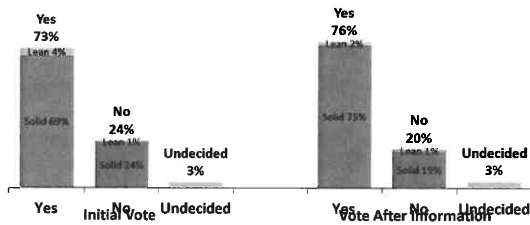


Q14. If the election were held today, would you vote yes to approve or no to reject this measure?

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Vote After Information

After information is presented, total support increases to 76%.



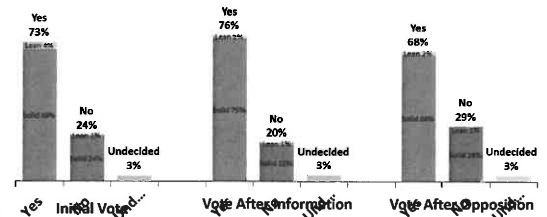
Q46. Given what you've heard, would you vote yes to approve or no to reject a measure that reads... If the election were held today, would you vote yes to approve or no to reject this measure?

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After Opposition

An opposition statement diminishes support for the measure.

Opponents of this measure say that taxes are already too high, the city has been near bankruptcy and cannot be trusted with our money. Families are struggling and cannot afford to pay even more in taxes, and a sales tax increase will just damage our local economy.



Q47. Given what you've heard, if the election were held today, would you vote yes to approve or no to reject the 1/8 cent sales tax measure for Fresno Parks?

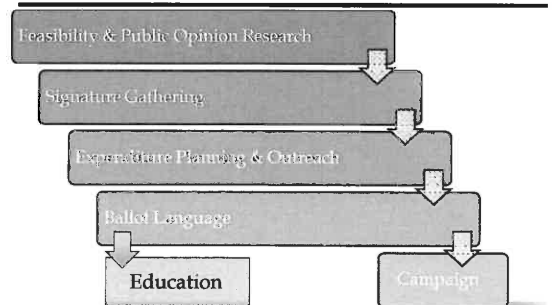
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Conclusions/Recommendations

- Most voters say that parks are a good use of taxpayer dollars, and many prioritize maintenance and improvements of existing parks.
- Reducing crime is a top priority for most Fresno voters, and making parks cleaner and safer would be an extremely important component of a potential revenue measure.
- A sales tax measure for clean, safe parks appears feasible, but election timing and outreach will be important.
- Although opposition messaging has a significant impact, a sales tax measure still appears feasible after voters hear an opposition message.
- Building a strong coalition of support and a robust outreach and communications effort centered around making parks cleaner and safer is recommended.

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Next Steps for Successful Ballot Measures



G-2 Presentation

Decision-Makers' Obligations and Steps for Environmental Impact Reports and Project Approvals under the California Environmental Quality Act



Overview of CEQA Process

- Staff Prepares and Circulates Draft Environmental Impact Report (EIR)
 - Describe proposed project
 - Analyze significant adverse environmental impacts
 - Identify feasible mitigation measures
 - Identify potentially feasible alternatives
- Staff Prepares Final EIR
- Decision-makers Consider
 - Whether to certify Final EIR
 - Whether to approve proposed project
 - Findings
 - Statement of Overriding Considerations
 - Mitigation Monitoring and Reporting Program
 - Project Approval

Consider Final EIR

- Consider whether to certify the Final EIR (§ 15090)

Three specific certifications:

- Final EIR completed in compliance with CEQA
- Final EIR reflects the lead agency's independent judgement
- Decision-making body has reviewed & considered information in the Final EIR

Consider Approving Proposed Project

- Adopt Findings (§ 15091)
- Adopt Statement of Overriding Considerations (§ 15093)
- Adopt Mitigation Monitoring and Reporting Plan (§ 15091)
- Approve Project (§ 15092)

Findings (§ 15091)

- Legal requirement for each significant impact
- Options include:
 - Changes or alterations have been required to avoid or lessen impacts
 - binding and enforceable mitigation measures
 - Changes or alterations within responsibility of another agency that can & should implement mitigation
 - Specific considerations make mitigation measures or alternatives infeasible

Findings Regarding Alternatives

- Required if impacts remain after adoption of mitigation measures
- Reject alternatives as infeasible
- Reasons: Specific economic, social, technological, other considerations, including inconsistency with agency goals or policies and failure to meet project objectives

**Statement of Overriding
Considerations (§ 15093)**

- Required if significant unavoidable impacts remain after mitigation and consideration of alternatives
- Statement why project's benefits outweigh remaining impacts

**Mitigation Monitoring
and Reporting Program (§ 15091)**

- Documents mitigation measures
mitigation measures must be enforceable
- Ensure mitigation measures will be implemented

Project Approval/Disapproval